

**RECEIVED**

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1647
BOX 586**TECH CENTER 1600/2900****PATENT****RECEIVED**

SEP 2 4 2003

TECH CENTER 1600/2900Practitioner's Docket No. 49854 (72024)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: G. Wong
Application No.: 09/854,434
Filed: May 11, 2001
For: FOLLICLE STIMULATING HORMONE STIMULATED GENES AND USES
THEREOF

Group No.: 1647
Examiner: L. Spector

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**SUBMISSION OF "SEQUENCE LISTING," COMPUTER READABLE COPY,
AND/OR AMENDMENT PERTAINING THERETO
FOR BIOTECHNOLOGY INVENTION CONTAINING NUCLEOTIDE
AND/OR AMINO ACID SEQUENCE**

(check and complete this item, if applicable)

1. ☒ This replies to the Office Letter DATED June 24, 2003.

NOTE: *If these papers are filed before the office letter issues, adequate identification of the original papers should be made, e.g., in addition to the name of the inventor and title of invention, the filing date based on the "Express Mail" procedure, the application number from the return post card or the attorney's docket number added.*

☒ A copy of the Office Letter is enclosed.

IDENTIFICATION OF PERSON MAKING STATEMENT

2. I, Christine C. O'Day
(type or print name of person signing below)

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: 7/22/03**FACSIMILE**

- ☐ transmitted by facsimile to the Patent and Trademark Office.

Susan M. Dillon

Signature

Susan M. Dillon*(type or print name of person certifying)*

state the following:

ITEMS BEING SUBMITTED

3. Submitted herewith is/are:

(check each item as applicable)

- A. ☒ "Sequence Listing(s)" for the nucleotide and/or amino acid sequence(s) in this application. Each "Sequence Listing" is assigned a separate identifier as required in 37 C.F.R. Section 1.821(c) and 37 C.F.R. Sections 1.822 and 1.823.
- B. ☐ An amendment to the description and/or claims, wherein reference is made to the sequence by use of the assigned identifier, as required in 37 C.F.R. Section 1.821(d).
- C. ☒ A copy of each "Sequence Listing" submitted for this application in computer readable form, in accordance with the requirements of 37 C.F.R. Sections 1.821(e) and 1.824.
- D. ☐ Please transfer to this application, in accordance with 37 C.F.R. Section 1.821(e), the computer readable copy(ies) from applicant's other application identified as follows:

In re application of:

Application No.:

Filed:

For:

The Computer readable form(s) of applicant's other application corresponds to the "Sequence Identifier(s)" of the application as follows:

Computer Readable Form

(other application)

"Sequence Identifier"

(this application)

NOTE: "If the computer readable form of a new application is to be identical with the computer readable form of another application of the applicant on file in the Office, reference maybe made to the other application and computer readable form in lieu of filing a duplicate computer readable form in the new application. The new application shall be accompanied by a letter making such reference to the other application and computer readable form, both of which shall be completely identified." 37 C.F.R. Section 1.821(e).

- E. ☒ A statement that the content of each "Sequence Listing" submitted and each computer readable copy are the same, as required in 37 C.F.R. Section 1.821(g).
- ☐ Because the statement is not made by a person registered to practice before the Office, the Statement is verified as required in 37 C.F.R. Section 1.821(b).
- F. ☐ Because this submission is made in fulfilling the requirement under 37 C.F.R. Section

1.821(g), a statement that the submission includes no new matter.

☐ Because the statement is not made by a person registered to practice before the Office, the statement is verified, as required in 37 C.F.R. Section 1.821(g).

**STATEMENT THAT "SEQUENCE LISTING"
AND COMPUTER READABLE COPY ARE THE SAME
AND/OR THAT PAPERS SUBMITTED INCLUDES NO NEW MATTER**

4. I hereby state:

(complete applicable item A and/or B)

- A. ☒ Each computer readable form submitted in this application, including those forms requested to be transferred from applicant's other application, is the same as the "Sequence Listing" to which it is indicated to relate.
- B. ☒ All papers accompanying this submission, or for which a request for transfer from applicants' other application, introduce no new matter.

STATUS

5. Applicant is

- ☐ a small entity.
☒ other than a small entity.

EXTENSION OF TERM

6.

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of Dec.10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

7. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b) as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 920.00	\$ 460.00
<input type="checkbox"/> four months	\$1,440.00	\$ 720.00

Fee \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured, and the fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

FEE PAYMENT

8. ☐ Attached is a check in the sum of \$ _____.

- ☐ Charge Account No. _____ the sum of \$ _____.
A duplicate of this transmittal is attached.

FEE DEFICIENCY

9.

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G. 31-33.

10. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105 .

SIGNATURE(s)

Christine C. O'Day

(type or print name of person signing statement)

Christ C. Oh

Signature

7-22-03

Date _____

EDWARDS & ANGELL, LLP

P.O. Box 9169

P.O. Address of Signatory

Boston, MA 02209

(If applicable)

Tel. No.: (617) 439-4444

Reg. No. 38,256

Customer No.: 21874

[] Inventor

[] Assignee of complete interest

☐ Person authorized to sign on behalf of assignee

☐ Practitioner of record

[] Filed under Rule 34(a)

[X] Registration No. [REDACTED] 38,256

[] Other

(complete the following, if applicable)

(type name of assignee)

Address of assignee

Title of person authorized to sign on behalf of assignee



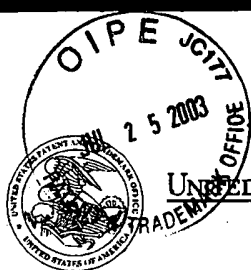
21874

PATENT TRADEMARK OFFICE

A "STATEMENT UNDER 37 C.F.R. Section 3.73(b)" is attached.

Assignment recorded in PTO on _____

Reel _____ Frame _____

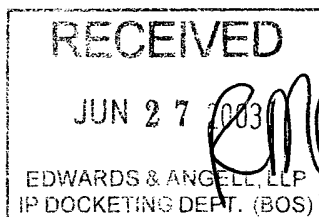


UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,434	05/11/2001	Grace Wong	49854 (72024)	7250

21874 7590 06/24/2003
EDWARDS & ANGELL, LLP
P.O. BOX 9169
BOSTON, MA 02209



EXAMINER

SPECTOR, LORRAINE

ART UNIT

PAPER NUMBER

1647

DATE MAILED: 06/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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TECH CENTER 1600/2900

SEQUENCE Listing
1 MARCH

Edwards & Angell LLP
101 Federal St. Boston, MA 02110

Docketed For

By

Approved



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILED DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/854434			

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

10
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JUL 29 2003

TECH CENTER 1600/2900

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents.

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

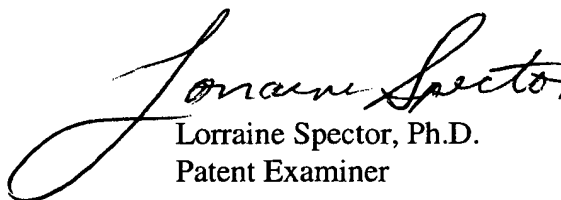
Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for response beyond the SIX MONTH statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Advisory Information:

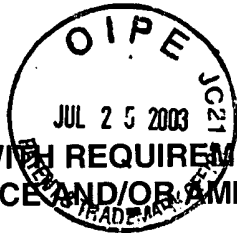
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Lorraine M. Spector, whose telephone number is (703) 308-1793. Dr. Spector can normally be reached Monday through Friday, 9:00 A.M. to 5:30 P.M.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Dr. Gary L. Kunz, at (703)308-4623.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist at telephone number (703) 308-0196.


Lorraine Spector, Ph.D.
Patent Examiner

LMS
90.seq
10/23/02



NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☐ 7. Other: _____

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Applicant Must Provide:

TECH CENTER 1600/2900

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

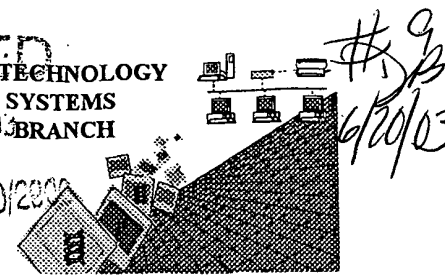
PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

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JUN 04 2003

BIOTECHNOLOGY
SYSTEMS
BRANCH

TECH CENTER 1600/2000



RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/854,434
Source: 1600
Date Processed by STIC: 5/28/2003

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail. Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom. Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/efb/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
3. Hand Carry directly to:
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7th Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202
Or
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service, or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 04/24/2003



1600

RAW SEQUENCE LISTING

PATENT APPLICATION: US/09/854,434

DATE: 05/28/2003

TIME: 14:12:03

Input Set : A:\49854sequence.txt

Output Set: N:\CRF4\05282003\I854434.raw

RECEIVED

JUL 29 2003

TECH CENTER 1600/2900

3 <110> APPLICANT: Applied Research Systems ARS Holding N.V.
 5 <120> TITLE OF INVENTION: FSH STIMULATED GENES
 7 <130> FILE REFERENCE: US435/NP
 9 <140> CURRENT APPLICATION NUMBER: US 09/854,434
 OK-> 12 <141> CURRENT FILING DATE: 2001-05-11
 12 <160> NUMBER OF SEQ ID NOS: 15
 14 <170> SOFTWARE: PatentIn version 3.0

ERRORED SEQUENCES

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 59 <211> LENGTH: 457
 60 <212> TYPE: DNA
 61 <213> ORGANISM: Mus musculus
 63 <400> SEQUENCE: 3
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 E--> 66 ~~cgggtgcgtt ctctagcctt acctcgactc cttacgacag gagctgcagc agagggatcc~~ 120
 68 gacgtgtctc tccgtggcgg tggctctctt ggcggtgctg ctgacgtgg tgttctggaa 180
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 74 cattaccgat agttctgcca tatacaaagt caacaataac aggggtaaca gcctgactct 360
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 215 <211> LENGTH: 368
 216 <212> TYPE: DNA
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 219 <400> SEQUENCE: 10

pg 1-3
 Does Not Comply
 Corrected Diskette Needed

see p. 3
 for error
 explanation

see p. 3

RAW SEQUENCE LISTING

DATE: 05/28/2003

PATENT APPLICATION: US/09/854,434

TIME: 14:12:03

Input Set : A:\49854sequence.txt

Output Set: N:\CRF4\05282003\I854434.raw

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224 aaaggagaag ccaacagaaa tgaaagtgt aacatccagc agtacttgcc acgaggagga      180
E--> 226 ggtgtgatgt acaaccccca tctcaactcta gccatggctn gtgtttgttg gtgctttcac      240
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323 gatcctgtca ctgcaaagcc caaattgggt ggagatgtgg attttgaagg agtcaagaag      360
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327 atgaagaaca ccattattgc cgcaaagaga gtgctaagac cagaggagct tgaagtgttc      480
E--> 329 aagtcaaaca gcgccgagtc gccaccaact agcagcactc tgagccaccc gagagctntaaa      540
331 caggccagaa gaatcagtg      559

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VARIABLE LOCATION SUMMARY

DATE: 05/28/2003

PATENT APPLICATION: US/09/854,434

TIME: 14:12:04

Input Set : A:\49854sequence.txt

Output Set: N:\CRF4\05282003\I854434.raw

Use of n's or Xaa's (NEW RULES):

Use of n's and/or Xaa's have been detected in the Sequence Listing.

Use of <220> to <223> is MANDATORY if n's or Xaa's are present.

in <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.

Seq#:3; N Pos. 70

Seq#:9; N Pos. 370,371

Seq#:10; N Pos. 220

Seq#:14; N Pos. 537